

ORIGINAL

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NEW YORK

LORI WRIGHT-HUERTAS

(Write the full name of each plaintiff who is filing this complaint. If the names of all the plaintiffs cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

-against-

Whitney Museum of American Art

(Write the full name of each defendant who is being sued. If the names of all the defendants cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

Complaint for Employment
Discrimination

Case No. **CV 22-6194**

(to be filled in by the Clerk's Office)

Jury Trial: ☐ Yes ☐ No
(check one)

Kovner, J.



Bloom, M.J.

I. The Parties to This Complaint

A. The Plaintiff(s)

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name	Lori Weight-Huerfias
Street Address	903 Leroy Road
City and County	Brooklyn (Kings)
State and Zip Code	New York, NY 11203
Telephone Number	917-962-7224
E-mail Address	alrianna@hotmail.com

B. The Defendant(s)

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. For an individual defendant, include the person's job or title (if known). Attach additional pages if needed.

Defendant No. 1

Name	Whitney Museum of American Art
Job or Title (if known)	
Street Address	99 Gansevoort Street
City and County	New York
State and Zip Code	NY 10014
Telephone Number	212-606-0393
E-mail Address (if known)	

Defendant No. 2

Name	
Job or Title (if known)	
Street Address	
City and County	

State and Zip Code _____
Telephone Number _____
E-mail Address _____
(if known)

C. Place of Employment

The address at which I sought employment or was employed by the defendant(s) is:

Name Whitney Museum of American Art
Street Address 99 Gansevoort Street
City and County New York
State and Zip Code NY 10014
Telephone Number 212-606-0393

II. Basis for Jurisdiction

This action is brought for discrimination in employment pursuant to (check all that apply):

- ☒ Title VII of the Civil Rights Act of 1964, as codified, 42 U.S.C. §§ 2000e to 2000e-17 (race, color, gender, religion, national origin).

(Note: In order to bring suit in federal district court under Title VII, you must first obtain a Notice of Right to Sue letter from the Equal Employment Opportunity Commission.)

- ☐ Age Discrimination in Employment Act of 1967, as codified, 29 U.S.C. §§ 621 to 634.

(Note: In order to bring suit in federal district court under the Age Discrimination in Employment Act, you must first file a charge with the Equal Employment Opportunity Commission.)

- ☐ Americans with Disabilities Act of 1990, as codified, 42 U.S.C. §§ 12112 to 12117.

(Note: In order to bring suit in federal district court under the Americans with Disabilities Act, you must first obtain a Notice of Right to Sue letter from the Equal Employment Opportunity Commission.)

☐ Other federal law (*specify the federal law*):

☐ Relevant state law (*specify, if known*):

☐ Relevant city or county law (*specify, if known*):

III. Statement of Claim

Write a short and plain statement of the claim. Do not make legal arguments. State as briefly as possible the facts showing that each plaintiff is entitled to the damages or other relief sought. State how each defendant was involved and what each defendant did that caused the plaintiff harm or violated the plaintiff's rights, including the dates and places of that involvement or conduct. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

A. The discriminatory conduct of which I complain in this action includes (*check all that apply*):

☐ Failure to hire me.

☒ Termination of my employment.

☐ Failure to promote me.

☐ Failure to accommodate my disability.

☐ Unequal terms and conditions of my employment.

☐ Retaliation.

☒ Other acts (*specify*): Denied Religious Exemption

(*Note: Only those grounds raised in the charge filed with the Equal Employment Opportunity Commission can be considered by the federal district court under the federal employment discrimination statutes.*)

B. It is my best recollection that the alleged discriminatory acts occurred on date(s)

9/10/21

C. I believe that defendant(s) (check one):

- ☐ is/are still committing these acts against me.
- ☐ is/are not still committing these acts against me.

D. Defendant(s) discriminated against me based on my (check all that apply and explain):

- ☐ race _____
- ☐ color _____
- ☐ gender/sex _____
- ☒ religion Peracostal
- ☐ national origin _____
- ☐ age. My year of birth is _____. (Give your year of birth only if you are asserting a claim of age discrimination.)
- ☐ disability or perceived disability (specify disability) _____

E. The facts of my case are as follows. Attach additional pages if needed.

I was denied religious Exemption. I have (attached My papers) for they said they are not making a determination as to whether my religious belief, but in fact they did just that and when on to state regardless of my religious beliefs, Like it don't mean nothing for it means something to me, for my body is the temple of God and as a believer in God I trust what God said in his word and refuse to take the Vaccine, I have social distance and Mask up through the onset and in the thick of this. So we possessing a threat to others, when I requested to be given over night where no public customers and only 3 departments (Note: As additional support for the facts of your claim, you may attach to this complaint a copy of your charge filed with the Equal Employment Opportunity Commission, or the charge filed with the relevant state or city human rights division.)

And besides I work at bullwork which is a where have that keeps the art which has only 5 to 8 people.

My Statement is as follows.

I believe I was discriminated against because of my religious beliefs. I have worked throughout this pandemic from the onset up into September 10, 2021. In which I received a letter (enclosed) stating, I was being given a leave of absence for 30 days. Because they were not making a determination as to whether my religious belief actually prohibits me from being vaccinated against Covid 19. And then making this assumption based on their belief, not mine. My biblical belief don't mean nothing to them because they don't believe, and they would go on to state regardless of my beliefs is case in point. I worked as a Porter over 5 years. for the Museum. And a year as temp. for a year. prior to being hired. Then being unable to work on the Whitney's premises, because of being unvaccinated poses a risk to others and make sense, first off. Following the science, the vaccine is less likely to get severely sick, less likely to be hospitalized, or die, so I'm not the threat but the spread risk, and was willing to take the chance. I ask for oversight shift which I previously did, but went to bulwark to cover for another coworker that resigned. I worked from January 2021 - up into I was terminated 9/10/21. Currently 150013 department is offsite / and bulwark is only 5 to 7 weeks.

IV. Exhaustion of Federal Administrative Remedies

- A. It is my best recollection that I filed a charge with the Equal Employment Opportunity Commission or my Equal Employment Opportunity counselor regarding the defendant's alleged discriminatory conduct on (date)

9/2/22

- B. The Equal Employment Opportunity Commission (check one):

- ☐ has not issued a Notice of Right to Sue letter.
☒ issued a Notice of Right to Sue letter, which I received on (date)

9/30/22

(Note: Attach a copy of the Notice of Right to Sue letter from the Equal Employment Opportunity Commission to this complaint.)

- C. Only litigants alleging age discrimination must answer this question.

Since filing my charge of age discrimination with the Equal Employment Opportunity Commission regarding the defendant's alleged discriminatory conduct (check one):

- ☐ 60 days or more have elapsed.
☐ less than 60 days have elapsed.

V. Relief

State briefly and precisely what damages or other relief the plaintiff asks the court to order. Do not make legal arguments. Include any basis for claiming that the wrongs alleged are continuing at the present time. Include the amounts of any actual damages claimed for the acts alleged and the basis for these amounts. Include any punitive or exemplary damages claimed, the amounts, and the reasons you claim you are entitled to actual or punitive money damages.

I am asking for my yearly salary which I would
have received if they granted. I have had to use
all my Savings, My income tax to pay my
bills. I had to apply for Rental assistance, Food Stamps
cheap, and low income internet services, I am still
looking for work.

VI. Certification and Closing

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

A. For Parties Without an Attorney

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing: 10/7, 2022

Signature of Plaintiff

Printed Name of Plaintiff

Lori Wright Hucker
Lori Wright-Hucker

U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

NOTICE OF RIGHT TO SUE (ISSUED ON REQUEST)

To: Mrs. Lori N. Wright-huertas
903 Lenox Road C1
BROOKLYN, NY 11203

From: New York District Office
33 Whitehall St, 5th Floor
New York, NY 10004

EEOC Charge No.
520-2022-04156

EEOC Representative
Silvia Deng-Batista,
Federal Investigator

Telephone No.
9295065271

(See also the additional information enclosed with this form.)

NOTICE TO THE PERSON AGGRIEVED:

Title VII of the Civil Rights Act of 1964, the Americans with Disabilities Act (ADA), or the Genetic Information Nondiscrimination Act (GINA): This is your Notice of Right to Sue, issued under Title VII, the ADA or GINA based on the above-numbered charge. It has been issued at your request. Your lawsuit under Title VII, the ADA or GINA must be filed in a federal or state court **WITHIN 90 DAYS** of your receipt of this notice; or your right to sue based on this charge will be lost. (The time limit for filing suit based on a claim under state law may be different.)

Less than 180 days have elapsed since the filing date. I certify that the Commission's processing of this charge will not be completed within 180 days from the filing date.

The EEOC is terminating its processing of this charge.

Equal Pay Act (EPA): You already have the right to sue under the EPA (filing an EEOC charge is not required.) EPA suits must be brought in federal or state court within 2 years (3 years for willful violations) of the alleged EPA underpayment. This means that backpay due for any violations that occurred more than 2 years (3 years) before you file suit may not be collectible.

If you file suit, based on this charge, please send a copy of your court complaint to this office.

On behalf of the Commission

Digitally Signed By: Timothy Riera
09/30/2022

Timothy Riera
Acting District Director

Enclosures(s)

cc:

exemption request

Sherronda Williams, Human Resources

Fri 9/10/2021 2:44 PM

Hide recipients

To:

Lori Huertas, Facilities;

Cc:

Peter Scott, Facilities;

Sherronda Williams, Human Resources;

Dear Lori:

We have considered your request to be exempted from the requirement to be vaccinated pursuant to the Whitney's COVID-19 vaccination policy.

Although we are not making a determination as to whether your religious belief actually prohibits you from being vaccinated against COVID-19, we are unable to allow you to work on the Whitney's premises because of the risk that being unvaccinated poses to others, regardless of your religious beliefs, in your work environment at the Whitney.

Unfortunately, as your role requires you to perform your duties at the Whitney, the only accommodation we can offer is to place you on an unpaid leave of absence for 30 days effective September 13th. I will contact you at the end of the 30 days to discuss next steps.

Very truly yours.

Sherronda A. Williams

Benefits Manager

Whitney Museum of American Art

99 Gansevoort Street

New York, NY 10014

Phone 212-606-0393

Fax 646-680-7802

WHITNEY

Whitney Museum
of American Art

99 Gansevoort Street
New York, NY 10014

whitney.org
info@whitney.org

(212) 570-3600

October 13, 2021

Lori N. Wright-Huertas
903 Lenox Road apt C1
Brooklyn, NY 11203

Dear Lori,

This letter is to inform you that you are being terminated from your position as a Porter, with Whitney Museum of American Art effective, October 12, 2021.


As communicated to you on September 10, 2021, the Museum implemented a vaccination mandate to comply with New York City Executive Order 225. To date, you have failed to comply with Museum policy and the New York City mandate; therefore, we have no choice but to terminate your employment.

You will receive your final paycheck on October 22, 2021, and a package outlining your election options and premiums for your health benefits pursuant to COBRA. Please return any Museum equipment or property to the Security desk at the Staff entrance.

If you have any questions regarding continuation of benefits, please contact a member of the HR Team at hremailgroup@whitney.org.

Please accept our best wishes in your future endeavors.

Yours sincerely,



Sherronda Williams
Benefits Manager

